

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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*In re:*

Luz Mensing,

Debtor

**NOTICE OF MOTION  
FOR RELIEF FROM  
AUTOMATIC STAY**

Chapter 7  
Case No. 19-71469

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**PLEASE TAKE NOTICE**, that upon the annexed application of Schiller, Knapp, Lefkowitz & Hertzell LLP, attorneys for Ajax Mortgage Loan Trust 2018-F, Mortgage-Backed Securities, Series 2018-F, by U.S. Bank National Association, as Indenture Trustee by its servicing agent Gregory Funding, LLC, (hereinafter “Movant”), the undersigned respectfully moves this Court for an Order, pursuant to 11 U.S.C. §362(d)(1), terminating the automatic stay to permit Movant its nominees and/or assigns to proceed with action to foreclosure its mortgage with respect to certain real property of the Debtor, commonly known as 187 Princess Street, Hicksville, New York 11801 together with Movant’s attorneys’ fees and costs, and such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE**, that this Motion shall be returnable on the 2<sup>nd</sup> day of May, 2019 at 10:30 am in the forenoon of that day, or as soon thereafter as counsel can be heard, at UNITED STATES BANKRUPTCY COURT, ALFONSE M.

D'AMATO FEDERAL COURTHOUSE, 290 FEDERAL PLAZA – COURTROOM 960  
CENTRAL ISLIP, NY 11722

**PURSUANT TO BANKRUPTCY RULE 9014 AND LOCAL BANKRUPTCY  
RULE 9006-1(a), IF YOU INTEND TO OPPOSE THE MOTION, YOU MUST SERVE  
ON GF'S COUNSEL AND FILE WITH THE CLERK OF THE BANKRUPTCY  
COURT, WRITTEN OPPOSITION TO THE MOTION SO AS TO ENSURE ACTUAL  
RECEIPT NOT LATER THAN SEVEN (7) DAYS BEFORE THE RETURN DATE.**

DATED: March 15, 2019

SCHILLER, KNAPP, LEFKOWITZ  
& HERTZEL LLP

s/Lisa Milas

Lisa Milas, Esq.  
Attorneys for Ajax Mortgage Loan Trust  
2018-F, Mortgage-Backed Securities,  
Series 2018-F, by U.S. Bank National  
Association, as Indenture Trustee  
(herein after "U.S. Bank") by its  
servicing agent Gregory Funding,  
LLC950 New Loudon Road  
Latham, New York 12110  
(518) 786-9069

TO: Luz Mensing  
Debtor  
187 Princess Street  
Hicksville, NY 11801

Darren Aronow  
Debtor's Counsel  
Aronow Law Firm, P.C.  
20 Crossways Park Drive North  
Suite 210

Woodbury, NY 11797  
Kenneth P. Silverman, Esq.  
Chapter 7 Trustee  
100 Jericho Quadrangle, Suite 300  
Jericho, New York 11753

Office of the United States Trustee  
Eastern District of New York  
Long Island Federal Courthouse  
560 Federal Plaza, Room 560  
Central Islip, New York 11722-4437

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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**MOTION FOR  
RELIEF FROM  
AUTOMATIC STAY**

Chapter 7  
Case No. 19-71469-AST

Ajax Mortgage Loan Trust 2018-F, Mortgage-Backed Securities, Series 2018-F, by U.S. Bank National Association, as Indenture Trustee (herein after “U.S. Bank”) by its servicing agent Gregory Funding, LLC (hereinafter “GF”), a secured creditor of the above-named Debtor, moves the above-entitled Court for an Order granting relief from the automatic stay pursuant to 11 U.S.C. §362(d)(1) to permit it to proceed with an action to foreclose its mortgage on certain real property of the Debtor, commonly known as 187 Princess Street, Hicksville, New York 11801, and more particularly described in a copy of a mortgage annexed hereto and made a part hereof as Exhibit “A.” As grounds for said Motion, it is hereby alleged as follows:

1. On April 5, 2005, the debtor borrowed \$308,000.00 from JPMorgan Chase Bank, N.A. The indebtedness was evidenced by a note, which was secured by a mortgage on the aforesaid real property. See attached Exhibit “A”, which is incorporated by reference. The loan is serviced by GF. As servicing agent, GF accepts payments and maintains loan records.

2. The aforementioned loan was modified by an agreement dated May 1, 2008. See attached Exhibit "B", which is incorporated by reference.

3. The aforementioned loan was further modified by an agreement dated February 1, 2012. See attached Exhibit "C", which is incorporated by reference.

4. Debtor filed a petition for relief under Chapter 7 of the United States Bankruptcy Code in this Court on February 28, 2019.

5. According to the 362 worksheet, executed by Julia Waco, a Bankruptcy Team Lead with GF, the loan is contractually due for the June 1, 2013 monthly mortgage payment and the total indebtedness is \$453,489.95. A copy of the 362 worksheet is annexed hereto and made a part hereof as Exhibit "D".

6. U.S. Bank and/or GF also seek relief for any installment that becomes due and is unpaid on the return date of this Motion. The foregoing does not represent any accrued late charges, corporate advances, escrow advances and any amount which may be due for costs and attorney fees which may be allowed by the Court.

7. According to the Property Valuation obtained by GF on or about October 31, 2018 the property is valued at \$443,000.00. A copy of Broker's Price Opinion is annexed hereto and made a part hereof as Exhibit "E".

8. U.S. Bank and/or GF may be required to advance the funds necessary to pay real property taxes or risk irreparable harm to its security interest as a result of Debtor's default.

9. By reason of the foregoing, U.S. Bank, its servicing agent, nominees, successors and/or assigns should be permitted to take all necessary action to adequately protect its security interest including commencing and/or continuing a foreclosure and eviction proceeding.

10. Pursuant to 11 U.S.C. § 362(d)(1) a Court may terminate, amend or modify the automatic stay for cause including the lack of adequate protection on an interest in the property of the Debtor.

11. It is requested that in the event that an Order Granting Relief from the Automatic Stay is granted, it is requested that such Order shall survive any conversion.

12. In the event that an Order Granting Relief from the Automatic Stay is granted, the Trustee shall receive notice of any surplus monies received.

13. No previous application has been made for the relief requested herein.

**WHEREFORE**, Ajax Mortgage Loan Trust 2018-F, Mortgage-Backed Securities, Series 2018-F, by U.S. Bank National Association, as Indenture Trustee by its servicing agent Gregory Funding, LLC, requests that this Court enter an Order granting U.S. Bank, its nominees, successors and/or assigns relief from the automatic stay, together with GF's attorneys' fees and costs in the amount of \$1031.00 if settled conditionally and \$831.00 if granted on default, and GF be granted permission to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with applicable non-bankruptcy law, that in the event that an Order Granting Relief from the Automatic Stay is granted, that such Order shall survive any conversion, the Trustee shall receive notice of any surplus monies received and such other and further relief as the Court may deem just and proper.

Dated: March 15, 2019

**SCHILLER, KNAPP,  
LEFKOWITZ, & HERTZEL, LLP**

By: s/Lisa Milas

Lisa Milas, Esq.  
Attorneys for Ajax Mortgage Loan Trust 2018-F, Mortgage-Backed Securities, Series 2018-F, by U.S. Bank National Association, as Indenture Trustee by its servicing agent Gregory Funding, LLC  
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